

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civ. No. 22-5525

-against-

**DECLARATION OF ERIC
PROSHANSKY**

ARM OR ALLY, LLC, RAINIER ARMS, LLC, SALVO
TECHNOLOGIES, INC. d/b/a "80P BUILDER," ROCK
SLIDE USA, LLC, and INDIE GUNS, LLC,

Defendants.
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I, ERIC PROSHANSKY, declare, pursuant to 28 U.S.C. §1746, under penalty of perjury,
that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of the New York City Corporation Counsel (the "New York City Law Department"). I base this Declaration on my personal knowledge, conversations with staff members of the New York City Law Department, and a review of records and documents. I submit this Declaration in support of Plaintiff's Motion for a Preliminary Injunction.

2. Ghost guns are firearms, sold in parts, without serial numbers, and are so-named for their most sought after feature: invisibility to law enforcement. *See e.g.* White House Press Release, FACT SHEET: *The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership it Needs to Enforce Our Gun Laws* (April 11, 2022) available at <https://bit.ly/39YUHii> (last visited June 29, 2022).

3. Ghost gun sellers, like Defendants here, operate on the false pretense that their products are not firearms as defined under federal law because they are "unfinished" or "80% complete" and hence when sold require neither serial numbers nor background checks. For

example, the website for 80P Builder proclaims “80P BUILDER DOES NOT SELL GUNS” on the same page that it offers a ghost gun for sale. See <https://bit.ly/3bwno6F> (last visited June 29, 2022).

4. Defendants Arm or Ally, LLC (“Arm or Ally”), Rainier Arms, LLC (“Rainier Arms”), Salvo Technologies, Inc. (“Salvo Technologies”) d/b/a 80p Builder (“80P Builder”), Rock Slide USA, LLC (“Rockslide USA”), and Indie Guns, LLC (“Indie Guns”), and collectively “Defendants,” sell ghost guns and so-called “unfinished” frames. All Defendants sell firearm parts, ammunition and/or firearm accessories, which are compatible with both conventional, serialized firearms and ghost guns.

5. As of April 2022, Defendants Arm or Ally, Rainier Arms, and Salvo Technologies d/b/a/ 80P Builder, each appeared on a list of FFLs maintained by the Federal Bureau Alcohol, Tobacco, Firearms and Explosives (“ATF”), available at <https://bit.ly/2SPLs9O> (last visited June 29, 2022).

6. Defendants Arm and Ally and Rainier Arms sell serialized firearms through their websites, alongside ghost gun components, such as unserialized “unfinished” frames. 80P Builder sells “custom” builds through its website that bundle ghost gun firearm components into one purchase.

7. Rock Slide USA and Indie Guns do not appear to be FFLs. Among other firearm parts and accessories, they sell extended ammunition magazines.

8. The websites of Arm or Ally, Rainier Arms and Rock Slide, all explain to prospective customers that the Defendants’ products may be quickly assembled into ghost guns at home. See Arm or Ally Website, “In the comfort and privacy of your own home you can assemble your own firearm for personal-use with nothing more than simple hand-tools,”

<https://bit.ly/3a0f9PN> (last visited June 29, 2022); Rock Slide USA Website, “Polymer 80, 80% lowers come with everything needed to make your own custom, Glock compatible pistol at home”, <https://bit.ly/3NpBGTY> (last visited June 29, 2022); Rainier Website, “Simply follow the instructions provided, and 48 hours later, you will be ready to assemble and shoot your home built Freedom Wolf! ” <https://bit.ly/3uc7Zz7> (last visited June 29, 2022).

9. According to carrier records obtained through a subpoena issued by the New York State Attorney General and additional information obtained in the Law Department’s investigation, Rainier Arms shipped at least 846 packages to New York State addresses between January 4, 2021 and April 28, 2022 including at least 367 packages to New York City addresses; Arm or Ally shipped at least 511 packages to New York State addresses between January 3, 2021 and June 7, 2022, including at least 367 packages to New York City addresses; and 80P Builders shipped at least 258 packages to New York State addresses between April 21, 2021 and May 26, 2021, including at least 65 packages to New York City addresses.¹

10. By comparing the foregoing records to information maintained by the New York City Police Department (“NYPD”) concerning arrests involving ghost guns², the Law Department was able to identify four individuals arrested with ghost guns who appear to have made purchases and received deliveries from 80P Builder, including Edison Cruz, who was arrested and charged with murder in 2022 and possession of ghost guns in 2021; a person arrested following a street

¹ The records of these sales and deliveries are composed primarily of the identifying information of persons who are third parties to this proceeding. The records are part of the City’s on-going investigation into unlawful sales of ghost guns and unfinished frames into the City. The City is prepared to provide these records at a later date, redacted and under seal, to ensure that third-party information is protected and that the City’s on-going enforcement activities are not impacted.

² See Declaration of NYPD Inspector Courtney Nilan, Commanding Officer of the NYPD’s Field Intelligence Program ¶ 10.

encounter; a person arrested following a car stop; and a person who, after having received four deliveries from 80P Builder in 2021, was arrested in possession of three lower receivers pursuant to a search warrant executed by NYPD.

11. Using the same method, the Law Department was also able to identify an individual who appears to have made purchases and received deliveries from Arm or Ally and who was later arrested in possession of 14 ghost guns -- 7 handguns and 7 assault-style rifles.

12. In addition, a City resident indicted for 29 counts of violating the City's prohibition on possessing unfinished frames, allegedly made online purchases of nine separate ghost gun components from Arm or Ally between July 2020 and October 2021, including frames or receivers and completion parts kits. Attached hereto as **Exhibit 1** is the Statement of Information filed by the York County District Attorney in *People of the State of New York v. Rene Loyola*, Indictment No. 71721-22.

13. Attached hereto as **Exhibit 2** is the Sentencing Memorandum, filed October 14, 2021, in *United States v. Gary Brown*, Criminal Docket No. 20-352 (E.D.N.Y.) (ECF No. 26).

DATED: June 29, 2022



Eric Proshansky